IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 5TH FEBRUARY 2007 / 16TH MAGHA 1928

WP(C).No. 5247 of 2006(Y)

PETITIONER:

ACHAMMA MATHEW, CHALUNKAL HOUSE,
PUNNAVELI, ANICKAD VILLAGE,
MALLAPPALLY, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.K.GOPALAKRISHNA KURUP
SMT.P.G.MARY LUCY BIYANGA

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
PRINCIPAL SECRETARY, HOME DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE INSPECTOR GENERAL OF POLICE,
SOUTH ZONE, POLICE HEAD QUARTERS,
THIRUVANANTHAPURAM.

3. THE SUPERINTENDENT OF POLICE,
PATHANAMTHITTA, OFFICE OF THE SUPERINTENDENT
POLICE, PATHANAMTHITTA.

4. THE SUB INSPECTOR OF POLICE,
KEEZHVAIPUR, KEEZHVAIPUR POLICE STATION,
PATHANAMTHITTA.

5. THE DEPUTY SUPERINTENDENT OF POLICE,
D.C.R.B. PATHANAMTHITTA.

BY GOVT. PLEADER SRI.S.U. NAZAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE F.I.R. IN CRIME NO.65/05 OF KEEZHVAIPUR POLICE STATION.

EXT.P2 TRUE COPY OF ORDER IN CRL.M.P.789/05 DT.6.5.05 OF THE SESSIONS COURT, PATHANAMTHITTA.

EXT.P3 TRUE COPY OF NOTICE RECEIVED FROM THE DEPUTY SUPERINTENDENT OF POLICE, D.C.R.B. DT.MAY, 2006.

EXT.P4 TRUE COPY OF LETTER DT. 17.4.06 OF THE SUB JUDGE, THIRUVALLA.

EXT.P5 TRUE COPY OF CERTIFIED COPY OF THE PLAINT IN O.S.48/05 OF THE SUB COURT, THIRUVALLA.

EXT.P6 TRUE COPY OF ORIGINAL DOCUMENT IN THE POSSESSION OF THE PETITIONER.

/TRUE COPY/

R. BASANT, J.

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W.P.C.No. 5247 of 2006 Y

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Dated this the 5th day of February, 2007

JUDGMENT

The petitioner is the defacto complainant in Crime No. 64 of 2005 of Keezhvaipur Police Station of Pathanamthitta District, registered under Section 420 I.P.C. The crime was registered as early as on 27.2.2005. The petitioner is a woman. An employee of hers is the accused.

2. The crux of the allegations is that she was induced to deliver huge amounts to the accused on the fraudulent representation made by him that he shall arrange to purchase an adjacent property for her.

3. The crime was registered as early as on 27.2.2005. The grievance of the petitioner is that no effective investigation has been conducted into the matter so far. The most crucial/vital document which would show that the accused had taken the petitioner for a ride is still available with the petitioner and the police have not taken any steps to seize even that document. It is in these circumstances that

the petitioner has come to this Court with the prayer that appropriate directions may be issued to the police to ensure that a meaningful, effective and efficient investigation is conducted by an appropriate specialised agency.

4. Notice was given to the respondents. The present Investigating Officer has filed a statement. A careful perusal of the statement eloquently reveals the inadequate investigation that has been conducted so far. I shall carefully and scrupulously not advert to the acts of omission committed by the Investigators so far because at the end of the discussions the learned Prosecutor fairly submits that the State has no objection in the investigation being conducted by the C.B.C.I.D.

5. This Writ Petition is accordingly allowed. Crime No.65 of 2005 shall be investigated by the Superintendent of Police, C.B.C.I.D., Pathanamthitta directly or through an officer not below the rank of a Dy.S.P. to be chosen by him. The Superintendent of Police, Crime Branch shall personally monitor the investigation conducted by such officer, if investigation is entrusted to any such officer. Necessary administrative follow up direction shall be issued in this regard by the second respondent

within 15 days. Hand over a copy of the judgment to the learned Public Prosecutor for communicating to the Investigating Officer.

(R. BASANT)
Judge

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